

2007 REGULATION & PROJECT CALENDAR (September 2007 Update)

A. CAMPAIGN

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
A1. SB 145: §85316 & Officeholder Contributions.	ER Adopt					Perm Adopt						
A2. AB 1759 Ballot Measure Funding Disclosure.				Pre Notice				Adopt				
A3. AB 2275 Umberg Political Reform Act of 1974: telephone advocacy.						Pre Notice		Adopt				

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<p>A4. Net Debt: Reg. 18531.61: Treatment of Debts Outstanding After an Election. Staff will ask the Commission to consider a requirement that funds on hand after an election can only be spent on net debt. In addition, the Commission will consider whether the costs of an election recount may be applied toward "net debt" from the election..</p> <p>(B) Return of Excess Contributions. The Act imposes contribution limits and post-election fundraising restrictions on state candidates. These unlawful contributions must be returned within 14 days of receipt. When contributions are accepted inconsistent with these provisions, arguably, two violations occur: (a) acceptance of the unlawful contribution, and (b) failure to return the contribution within 14 days. This project examines the statutory authority to "require" these unlawful contributions be returned.</p>									IP Meeting	<u>Pre Notice</u>	Pre Notice	<u>Adopt</u>

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov	Dec.
<p>A5. § 85318; <u>Boling letter A-06-131.</u> § 85318 provides, in pertinent part: "If the candidate for elective state office is defeated in the primary election ... the general election ... funds shall be refunded to the contributors on a pro rata basis less any expenses associated with the raising and administration of general election ... contributions." The statute provides no guidance as to how the contributions should be allocated (whether to the general election or primary). Staff has applied reg. 18540, which was enacted to interpret the voluntary expenditure limits of the Act.</p> <p>Proposal: <i>Either</i> add a cross-reference to reg 18540 stating that candidates use reg 18540 for allocating expenses under § 85318 or draft a new regulation which would address all the issues arising under § 85318.</p>									Pre Notice		Adopt	

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A6. § 82027.5: General Purpose Committees. § 82027.5 provides: “(b) A ‘state general purpose committee’ is a political party committee, as defined in Section 85205, or a committee to support or oppose candidates or measures voted on in a state election, or in more than one county. (c) A ‘county general purpose committee’ is a committee to support or oppose candidates or measures voted on in only one county, or in more than one jurisdiction within one county. (d) A ‘city general purpose committee’ is a committee to support or oppose candidates or measures voted on in only one city.” Proposal: Clarify when a general purpose committee is a “state,” “county,” or “city” general purpose committee.									Pre Notice		Adopt	
A7. Recordkeeping: Use of electronic copies of checks	Pre Notice		Adopt									

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A8. Reg 18421.1: Making and Receipt of Contributions. Define when an independent expenditure is “made.” Independent expenditures are generally “made” when the communication is made. If no communication is sent, the independent expenditure has not been “made.” Also will explore the definition of Independent Expenditure in light of the <i>Davis</i> Case.										Pre Notice		Adopt
A9. Reg 18402: Committee Names. Committees controlled by (or primarily formed to support/oppose) a candidate must include the name of the candidate in the name of the committee.		Pre Notice		Adopt								

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A10. Pledges as Contributions:	Issues Memo											
A11. Reg 18421.2: “Street Address”: The term “street address” means the street name, building number, city, state, and zip code. Contributions in the amount of \$100 or more must be itemized on campaign statements. People on active duty in the military may not have a “street address.” The only “address” available to these individuals may be the A.P.O. (Army and Air Force Post Office) or F.P.O. (Fleet Post Office (Navy)). Thus, contributions from military personnel may have to be returned. Proposal: to include A.P.O. and F.P.O. addresses and make other clarifying changes.									Adopt		<u>Adopt</u>	

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A12. Member Communication Clusters (a) Harmonizing with Reg 18215. Reg. 18215(c)(9) was adopted prior to the adoption of Prop 34. Sub (c)(9) excludes from “contribution” the cost of membership communications if they are “regularly published newsletters or periodicals.” Section 85312 of Prop. 34 provides an exclusion for any newsletter, letter, flyer or like material, written or spoken. This post-Prop 34 exclusion is broader than the existing exclusion in 18215(c)(9). The Commission will explore whether the different exceptions are still valid and if they can be harmonized.					IP Meet			Pre Notice			Adopt <u>Pre Notice</u>	
(b) San Diego Ethics Commission Request: The Commission will consider how payments for political party member communications are treated under the Act.					IP Meet			Pre Notice			Adopt <u>Pre Notice</u>	

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(c) Catholic Church. In a letter from Stephen McCutcheon, the Commission was asked to consider regulatory action with respect to the membership communication exception as applied to the Catholic Church. Whether such an amendment is appropriate will be considered in this regulation project.					IP Meet			Pre Notice			Adopt <u>Pre Notice</u>	
A13. Reg 18530.9: Repeal 2 Cal. Code Regs. section 18530.9 to comply with the decision in Citizens to Save California, et al. v. FPPC.								Repeal				
A14. Expenditures by Sponsors of Sponsored Committees. Expanded to define the scope of 85303(c) exemption to contribution limits. 18215(C)(16)-			IP Meet		Pre Notice	Add to Reg Cal	2nd IP Meet-		Pre Notice		Adopt	
A15. Early Primary: Regulation 18420.5			Pre Notice					Adopt				

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A16. Legal Defense Fund. Proposed Amendments to Reg. 18530.4 Relating to Legal Defense Funds <u>The proposed amendments clarify the Commission's legal defense funds regulations regarding the establishment, use and termination of legal defense fund accounts.</u>									<u>Pre Notice</u>		<u>Adopt</u>	

B. CONFLICT OF INTEREST DISQUALIFICATION AND DISCLOSURE

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
B1. Reg 18740 (Privilege): Reg 18740 permits an official to omit from his or her Form 700 "the name of a person who paid fees or made payments to a business entity if disclosure of the person's name would violate a legally recognized privilege under California law," yet Commission staff has found other circumstances where disclosure of the location of real property would create physical danger. Proposal: Reg 18740 should be amended to allow an exemption from disclosure of real property locations when such disclosure presents a credible threat of physical violence, whether to the official or to other persons at the location.			IP Meeting						Pre Notice		Adopt	Pre Notice
B2. SB 8: Revolving Door; Local Officials: Revolving door prohibition applicable to local officials.		Re-Adopt										

C. ADMINISTRATIVE MATTERS

	Jan.	Feb.	Mar.	April	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
C1. Expansion of Executive Director's (ED) Discretion to Delegate Authority to Conduct Probable Cause Hearings.				Pre Notice	2nd Pre Notice			Adopt				
C2. Closed sessions & Civil Litigation (18361.2 and 18361.4).				Pre Notice		Adopt						
C3. <u>Regulation Simplification Task Force</u>												<u>Adopt</u>
C4. Quarterly Review Of Work Plan And Plan Updates.			Work Plan Revision			Work Plan Revision			Work Plan Revision	2008 Reg. Calendar		2008 Reg. Calendar
C5. Amendments to the FPPC's Conflict of Interest Code								Adopt				